

Wittich Article
EXHIBIT 92

Jury: Wittich violated campaign finance laws

Matt Volz, The Associated Press

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(Photo: AP Photo/Matt Volz)

HELENA – A jury found Friday that a Montana lawmaker coordinated with and received services from conservative corporate groups in violation of state campaign laws, a ruling that could lead to his removal from office and bolster the state's defense of its low campaign contribution limits.

Rep. Art Wittich, R-Bozeman, took \$19,599 worth in-kind contributions that he didn't disclose from organizations affiliated with the National Right to Work Committee during his 2010 campaign, the jury found. The contributions included campaign consulting, direct mail, voter data, opposition research, website design and attack ads against his opponent.

Plus, Right to Work-affiliated gun-rights, anti-abortion, anti-tax, resource development and anti-union groups blanketed voters in Wittich's district with letters supporting him and attacking his primary election opponent, attorneys for the state said.

Candidates cannot receive contributions from corporations and must fully report donations and spending under Montana law. The jury's decision was 10-2. Eight votes were needed for a verdict.

"I think the message it sends to Montanans is they can expect a fair election," said Montana Commissioner of Political Practices Jonathan Motl, who brought the civil case against Wittich.

Wittich had strongly denied any illegal coordination and accused Motl of going after him because he is a conservative. He testified that he paid for and reported the direct mail program and website he received from a campaign vendor, and he didn't know that any Right to Work staffers or organizations were involved.

After the verdict, he read a brief statement blasting Motl.



Montana Commissioner of Political Practices Jonathan Motl answers questions on the witness stand in a campaign finance trial in Helena on Thursday. (Photo: AP Photo/Matt Volz)

"Montana is the only state that gives one unelected man the right to initiate a political campaign violation complaint, investigate it, rule on it, bring it to court, support it through his own opinion and then determine the penalty," he said.

The jury's verdict in the civil trial is a win for Motl, whose 2 ½ year investigation led to the theory that Wittich was among 14 Republican candidates who got off-the-books help from Right to Work and affiliates in exchange for loyalty to their causes.

That is corruption, Motl has said. The jury did not hear any evidence on the loyalty-for-campaign-aid allegations, but only decided whether the anti-union groups provided services to Wittich, what the services' value was, whether he coordinated with the groups and whether he failed to report the illegal contributions.

The corruption question will be taken up in the next phase of the proceedings by District Judge Ray Dayton, without a jury. Motl is seeking a ruling from Dayton that Wittich's actions amounted to quid pro quo corruption, such as bribery. Motl needs to show evidence of such corruption to defend Montana's campaign contribution limits in a separate federal lawsuit.

"The constitutionally sound position of Montana's contributions may have gotten a boost today. We still have a judge who's going to have to make that quid pro quo decision," Motl said.

Plaintiffs in that lawsuit seek to strike down Montana's contribution caps — which are among the lowest in the nation — as unconstitutional. A federal appeals court previously ruled that the 2010 U.S. Supreme Court's Citizens United decision allowing unlimited corporate spending in elections raised the standard for states to defend their contribution limits.

Dayton will decide any penalties against Wittich, from fines up to removal from office and removing him as a 2016 legislative candidate. A date was not immediately set.

Wittich's case is the first in the Right to Work investigation to go to trial, and it will likely set a precedent for other open cases against candidates and the nonprofit corporations, which are registered as social welfare organizations.

State judges ruled against two other Republican candidates last year when they did not show up to defend themselves. Two others have settled out of court.

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